

REMARKS

This is a full and timely response to the non-final Office Action mailed on March 30, 2004 (Paper No. 6). Claims 1-3, 6-13, 20, and 25 are directly amended. Claims 1-27 are now pending in the present application. Reconsideration and allowance of the application and presently pending claims are respectfully requested in view of the foregoing remarks.

I. IDS – Form 1449

Applicants respectfully submit that an IDS was sent to the Patent and Trademark Office on October 18, 2000. The references listed in the IDS include U.S. Patent No. 5,872,926, EP 0825752A2, EP 0788065A2, and WO 97/34410. Attached is a copy of the IDS for the Examiner's review. Applicants respectfully request that the Examiner indicate consideration of the references with the Examiner's initials.

II. Response To Claim Rejections Under 35 U.S.C. §102

Claims 1, 3, 5-9, 11, 13, 16, 18, 20, 21, and 24 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 5,874,985 to *Matthews*, III. Applicants respectfully traverse this rejection for the reasons that follow.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. *See, e.g., W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983).

A. Claim 1

Claim 1, as amended, recites:

A method for providing customizable multimedia messages over a television system to a communications terminal for presentation to a user, comprising:

creating a message configuration by an application server;

creating a message request by a multimedia messaging server for presenting message content to a user according to the message configuration, wherein the message request includes the message content and a message configuration expression; and

sending the message request from the multimedia messaging server to the communications terminal over the television system.

(Emphasis Added)

i. *Matthews* servers do not create a message configuration

As an initial matter, Applicants respectfully submit that *Matthews* fails to disclose at least the feature of “creating a message configuration by an application server”, as recited in claim 1. One exemplary embodiment of a message configuration is stated on page 9, lines 25-27 of the application, where the message configuration “comprises a plurality of parameters which are interpreted by the MMM client 12 for defining the various aspects of how the message content is presented to a subscriber.”

In contrast, *Matthews* apparently discloses multiple service and application servers 202a-b, which each server appears to provide its message to the view station 16 via network 14. *Matthews* in column 7, lines 30-39 states as follows:

Service and application servers 202a may be dedicated to particular applications such as message transmission, an electronic programming guide for viewers, network security, monitoring, object storage, financial transactions, data access, and other administration functions. An operator at central control node 12 can control message content and recipients through a terminal or console associated with the applicable server 202a, including selectively accessing audio or video components (e.g., from a server 202b).

Further, *Matthews* apparently discloses that a message image format is stored in memory 68 of interactive station controller 20. The *Matthews* message image format allows *Matthews*’ messages to be transmitted to a viewer station 16 with minimal message image format information (Column 5, lines 54-67). The *Matthews* “message image formats include graphic parameters by which graphic subsystem 72 of controller 20 can generate: message blocks 100 and 102, the text rendered within message blocks 100 and 102, and transitional graphic effects for indicating the opening and closing of a viewer message” (Column 6, lines 1-5). However, *Matthews* does not teach that the *Matthews* message image format is created by an application server. In fact, *Matthews* appears to teach that the *Matthews* message image format is stored within memory 68 of interactive station controller 20. Nowhere does *Matthews* teach or disclose a *Matthews* application server creating the *Matthews* message image format.

Consequently, Applicants respectfully submit that *Matthews* fails to disclose the steps of creating a message configuration by an application server as recited in claim 1. Applicants respectfully submit that not every feature of claim 1 is represented in *Matthews* and so *Matthews*

does not anticipate claim 1. Accordingly, for at least this reason, among others, Applicants respectfully submit that claim 1 be allowed and the rejection be withdrawn.

ii. *Matthews* servers do not create a message request for presenting message content to a user according to a message configuration

Applicants respectfully submit that *Matthews* fails to teach or disclose the feature of “creating a message request by a multimedia messaging server for presenting message content to a user according to the message configuration, ...and sending the message request from the multimedia messaging server to the communications terminal over the television system” (Emphasis Added), as recited in claim 1. An exemplary embodiment of the present disclosure is illustrated in Fig. 1, which shows a plurality of service application servers 30, 32, 34, 36 and a multimedia messaging (MMM) server 10. The plurality of service application servers 30, 32, 34, 36 can be interfaced with the MMM server 10 such that each of the service application servers can provide a message to the user by way of the MMM server 10 and a MMM client 12.

As mentioned above with reference to the claimed application server, *Matthews* apparently discloses multiple service and application servers 202a-b, which each server appears to provide its message to the view station 16 via network 14. *Matthews* in column 7, lines 30-39 (Fig. 1) states as follows:

Service and application servers 202a may be dedicated to particular applications such as message transmission, an electronic programming guide for viewers, network security, monitoring, object storage, financial transactions, data access, and other administration functions. An operator at central control node 12 can control message content and recipients through a terminal or console associated with the applicable server 202a, including selectively accessing audio or video components (e.g., from a server 202b).

Matthews fails to teach that the *Matthews* service and application servers create a message request for presenting message content according to a message configuration that is created by an application server. Nowhere does *Matthews* disclose a server creating a message request according to a message configuration. *Matthews* further does not disclose that the message request includes message content and a message configuration expression.

Consequently, Applicants respectfully submit that because *Matthews* fails to disclose the feature of creating a message request by a multimedia messaging server for presenting message

content according to a message configuration, wherein the message request includes the message content and a message configuration expression, as recited in claim 1. Applicants respectfully submit that not every feature of claim 1 is represented in *Matthews* and so *Matthews* does not anticipate claim 1. Accordingly, for at least this reason, among others, Applicants respectfully submit that claim 1 be allowed and the rejection be withdrawn.

An advantage of using a multimedia messaging server, among others, is that “the separate service application servers [30, 32, 34, 36] can utilize the functionality provided by the MMM server 10 and MMM client 12 to create, send and display multimedia messages to a communications terminals 18 for presentation to a subscriber, thereby reducing overhead associated with each service [application server] having messaging client software at the communications terminal 18” (page 8, lines 5-9). “The MMM server 10 and the MMM client 12 provide for application independent messaging by a plurality of [service application servers], eliminating the duplication of functions, reducing system complexity and cost, and making more efficient use of system bandwidth” (page 8, lines 21-24).

B. Claims 13 and 20

Claim 13, as amended, recites: “receiving a request at a communications terminal from a multimedia messaging server for presenting message content to a user according to a message configuration, wherein the request includes the message content and a message configuration expression” (Emphasis Added). Claim 20, as amended, recites: “a multimedia messaging server that receives a message configuration and associates message content for presentation to a user according to the message configuration, and generates a request including the message content and a message configuration expression”. As mentioned with reference to claim 1, *Matthews* servers do not create a message request for presenting message content to a user according to a message configuration.

Consequently, Applicants respectfully submit that because *Matthews* fails to disclose the feature of creating a message request by a multimedia messaging server for presenting message content according to a message configuration, where the message request includes the message content and a message configuration expression, as recited in claims 13 and 20. Applicants respectfully submit that not every feature of claims 13 and 20 is represented in *Matthews* and so *Matthews* does not anticipate claims 13 and 20. Accordingly, for at least this reason, among

others, Applicants respectfully submit that claims 13 and 20 be allowed and the rejection be withdrawn.

C. Claims 3, 5-9, 11, 16, 18, 21, and 24

Because independent claims 1, 13, and 20 are allowable over the cited art of record, dependent claims 3, 5-9, 11, 16, 18, 21, and 24 are allowable as a matter of law for at least the reason that dependent claims 3, 5-9, 11, 16, 18, 21, and 24 contain all features and elements of their respective independent based claim. *See, e.g., In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, the rejection to dependent claims 3, 5-9, 11, 16, 18, 21, and 24 should be withdrawn for at least this reason, among others.

III. Response To Claim Rejections Under 35 U.S.C. §103

Claims 2, 15 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Matthews* in view of U.S. Patent No. 5,781,186 to *Jennings*. Claims 4 and 14 stand rejected under U.S.C. §103(a) as being unpatentable over *Matthews* in view of US2003/0115600 to *Tanaka*. Claims 10 and 17 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over *Matthews*. Claims 12 and 19 stand rejected under 35 U.S.C. §103(a) over *Matthews* in view of U.S. Patent No. 5,931,905 to *Hashimoto et al.* Claim 23 stands rejected as being unpatentable under U.S.C. §103(a) in view of *Matthews*. Claims 25 and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Matthews* in view of U.S. Patent No. 6,020,980 to *Freeman*; and U.S. Patent No. 5,559,549 to *Hendricks*. Claim 27 stands rejected under U.S.C. §103(a) as being unpatentable over *Matthews*, *Freeman* and *Hendricks*. Applicants respectfully traverse this rejection for the reasons that follow.

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a single reference, the reference must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. *See, e.g., In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

A. Claim 25

Claim 25, as amended, recites:

A system for delivery of multimedia messages, comprising:
a multimedia messaging server; and
an application server that generates message content and a database of predefined message configurations,
wherein the application server delivers the message content and at least one of the database of predefined message configurations to the multimedia messaging server, which in response thereto, generates a request that comprises the message content and a message configuration expression.

(Emphasis Added)

The Office Action admits that *Matthews* fails to disclose, teach, or suggest “an application server that generates the message content and delivers the message content to the multimedia server. In that regard, the Office Action refers to *Hendricks* as teaching “a digital television distribution system ... wherein an operations center ... will generate and transmit program information ... to remote headends ... which then configure the program information for transmission to subscriber terminals ... for the advantage of allowing the altering/updating of information transmitted throughout regions of the country” (page 15 of the Office Action). Applicants respectfully submit that *Hendricks* fails to disclose, teach, or suggest each and every feature of an application server and a multimedia messaging server as recited in claim 25.

- i. *Hendricks* fails to disclose, teach or suggest the feature of an application server that generates message content and a database of predefined message configurations

The Office Action alleges that *Hendricks* operations center is the claimed application server. Applicants respectfully submit that *Hendricks* operations center is not the claimed application server and that *Hendricks* fails to teach or disclose the feature of an application server that generates a database of predefined message configurations, as recited in claim 25. As mentioned above with reference to claim 1, one exemplary embodiment of a message configuration is stated on page 9, lines 25-27 of the application, where the message configuration “comprises a plurality of parameters which are interpreted by the MMM client 12 for defining the various aspects of how the message content is presented to a subscriber.”

In contrast, *Hendricks* operations center apparently creates program packaging and control information (Column 5, lines 55-58). *Hendricks* operations center is further described in Column 6, line 63 – Column 8, line 5 as follows:

At the operations center 202, television programs are received from external program sources in both analog and digital form. FIG. 2 shows an embodiment of the operations center receiving signals from various external sources 212. Examples of the external program sources are sporting events, children's programs, specialty channels, news or any other program source that can provide audio or visual signals. Once the programs are received from the external program sources, the operations center 202 digitizes (and preferably compresses) any program signals received in analog form. ... Subsequent to receiving programming, the operations center 202 packages the programs into the groups and categories which provide the optimal marketing of the programs to subscribers. For example, the operations center 202 may package the same programs into different categories and menus for weekday, prime-time viewing and Saturday afternoon viewing. Also, the operations center 202 packages the television programs in a manner that enables both the various menus to easily represent the programs and the subscribers to easily access the programs through the menus.

...

After the [operations center] packages the programs, it creates a program control information signal to be delivered with the program package to the cable headend 208 and/or set top terminal 220. The program control information signal contains a description of the contents of the program package, commands to be sent to the cable headend 208 and/or set top terminal 220, and other information relevant to the signal transmission.

(Emphasis Added)

Applicants respectfully submit that *Hendricks* operations center is not the claimed application server because *Hendricks* operations center does not generate a database of predefined message configuration and so *Hendricks* fails to disclose, teach, or suggest the feature of an application server that generates a database of predefined message configurations as recited in claim 25. Consequently, *Hendricks* fails to disclose each and every feature of the claim 25. Accordingly, for at least this reason, among others, Applicants respectfully submit that claim 25 be allowed and the rejection be withdrawn.

ii. *Hendricks* remote headend is not the claimed multimedia messaging server

The Office Action alleges that *Hendricks* remote headend includes the features of the claimed multimedia messaging server as recited in claim 25. In fact, *Hendricks* apparently discloses in Column 8, line 40 – Column 10, line 8 as follows:

After the operations center 202 has compressed and encoded the program signals and transmitted the signals to the satellite, the cable headend 208 receives and further processes the signals before they are relayed to each set top terminal 220. ...

As an intermediary between the set top terminals 220 and the operations center 202 (or other remote site), the cable headend 208 performs two primary functions. First, the cable headend 208 acts as a distribution center, or signal processor, by relaying the program signal to the set top terminal 220 in each subscriber's home. In addition, the cable headend 208 acts as a network controller 214 by receiving information from each set top terminal 220 and passing such information on to an information gathering site such as the operations center 202.

Applicants respectfully submit that *Hendricks* remote headend is not the claimed multimedia server because *Hendricks* operations center does not generate a database of predefined message configuration and so *Hendricks* remote headend cannot receive a message configuration as recited in claim 25. Further, in this regard, *Hendricks* remote headend further cannot generate a request in response to the received message configuration, wherein the request comprises message content and a message configuration expression, as recited in claim 25. Consequently, *Hendricks* fails to disclose each and every feature of the claim 25. Accordingly, for at least this reason, among others, Applicants respectfully submit that claim 25 be allowed and the rejection be withdrawn.

iii. *Freeman* fails to disclose, teach, or suggest an application server that generates message content and a message configuration to deliver to a multimedia messaging server that generates a request based on the message content and the message configuration.

The Office Action admits that *Matthews* fails to disclose, teach, or suggest “a database of predefined message configurations accessible by the messaging server” (page 15 of the Office Action). In this regard, the Office Action refers to *Freeman* as teaching a database of predefined message configuration. However, the Office Action did not refer to *Freeman* as teaching an

application server and a multimedia server as recited in claim 25. Applicants respectfully submit that *Freeman* fails to disclose an application server that generates message content and a message configuration to deliver to a multimedia messaging server that generates a request based on the message content and the message configuration. In fact, *Freeman* apparently discloses a system for delivering facsimile messages to electronic mail addresses as object files attached to or inserted within e-mail messages (Abstract). *Freeman* further discloses in the Abstract the following:

The facsimile server device receives and demodulates the facsimile transmission and stores it as an object file in the native facsimile format. The facsimile server device then queries a subscriber database for translation of the dialed phone number to an e-mail address. The subscriber database query also provides a subscriber selected file format which the facsimile file is to be translated into prior to sending to the subscriber. The facsimile server device creates an e-mail message addressed to the e-mail address and translates the native facsimile object file to the format file specified by the subscriber database. The facsimile server device attaches the translated object file to the electronic mail message, or inserts it within, and sends the electronic mail message to the subscriber.

Further, the “subscriber selects a file translation format in accordance with a software application program which the subscriber uses” (Abstract).

Applicants respectfully submit that *Freeman* fails to disclose, teach, or suggest the features of an application server that generates a database of predefined message configurations and a multimedia messaging server that generates a request based on the message configuration as recited in claim 25. Consequently, *Freeman* fails to disclose each and every feature of the claim 25. Accordingly, for at least this reason, among others, Applicants respectfully submit that claim 25 be allowed and the rejection be withdrawn.

iv. The combination *Matthews*, *Freeman*, and *Hendricks* fails to disclose, teach, or suggest each and every feature of claim 25.

Because *Matthews*, *Freeman*, and *Hendricks*, individually, fail to disclose, teach, or suggest each and every feature of claim 25 as mentioned above, the combination *Matthews*, *Freeman*, and *Hendricks* also fails to disclose, teach, or suggest each and every feature of claim 25. Accordingly, for at least this reason, among others, Applicants respectfully submit that claim 25 be allowed and the rejection be withdrawn.

B. Claims 2, 4, 10, 12, 14, 15, 17, 19, 22, 23, 26, and 27

Because independent claims 1, 13, 20, and 25 are allowable over the cited art of record, dependent claims 2, 4, 10, 12, 14, 15, 17, 19, 22, 23, 26, and 27 are allowable as a matter of law for at least the reason that dependent claims 2, 4, 10, 12, 14, 15, 17, 19, 22, 23, 26, and 27 contain all features and elements of their respective independent base claim. *See, e.g., In re Fine*, supra. Accordingly, Applicants respectfully request that the rejection to dependent claims 2, 4, 10, 12, 14, 15, 17, 19, 22, 23, 26, and 27 be withdrawn for this reason alone, among others.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-27 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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